

***Remarks***

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1-10 are pending in the application, with 1, 4, 5, and 6 being the independent claims. Claim 3 has been amended pursuant to the Examiner's objection to this claim. This change introduces no new matter, and its entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

**Objections to the Abstract**

The Examiner has objected to the term "clock rate" in the Abstract. This phrase has been replaced in the amendment above, in accordance with the Examiner's suggestion.

**Claim Objections**

The Examiner has objected to the term "clock rate" in claim 3. This phrase has been replaced in the amendment above, in accordance with the Examiner's suggestion.

**Rejections Under 35 U.S.C. § 103**

The Examiner has rejected claim 1, arguing that U.S. Patent 6,359,882 ("Robles") discloses several of the features of this claim. In particular, the Examiner argues that Robles discloses the replacing of null data packets with data frames in an

MPEG stream. Robles does not disclose the replacing of null data packets with data frames. Rather, Robles discloses the incorporation of data into unused portions of existing video stream data packets, all of which can then be MPEG encoded. The video stream packets of Robles are not replaced with data packets. The output of Robles' process is a series of MPEG packets. See Robles, col. 15, lines 59-60, and col. 16, lines 14-21. The present invention, in contrast, "replaces each of said null MPEG packets with a DOCSIS data frame." See claims 1 and 4-6. The result is MPEG video frames interleaved with DOCSIS data frames (as described in the pending claims, illustrated in FIG. 5B, and discussed on p. 11, para 0032 of the Specification) rather than the series of MPEG packets disclosed by Robles. .

Nor is this feature of claim 1 disclosed by either of the other cited references, U.S. Patents 6,633,564 ("Steer") and 5,801,781 ("Hiroshima"). For at least these reasons, claim 1 is not rendered obvious by any of the cited references, alone or in combination.

Claims 2 and 3 depend on claim 1 and therefore include all features of claim 1, including the feature of replacing null data packets in an MPEG stream. The Examiner's rejection of claims 2 and 3 is premised on his contention that Robles discloses the replacing of null data packets in an MPEG stream with data frames. Neither Robles nor the other cited references discloses the replacing of null data packets with data frames, as discussed above with respect to claim 1. For at least this reason, claims 2 and 3 are not rendered obvious by any of the cited references, alone or in combination.

Independent claims 4-6 also include the feature of replacing null data packets in an MPEG stream. The Examiner has rejected claims 4-6, arguing that Robles discloses

the replacing of null data packets in an MPEG stream with data frames. Neither Robles nor the other cited references discloses the replacing of null data packets, as discussed above. For at least this reason, claims 4-6 are not rendered obvious by any of the cited references, alone or in combination.

Claims 7-10 depend on claim 6 and therefore include all features of claim 6, including the feature of replacing null data packets in an MPEG stream. The Examiner's rejection of claims 7-10 is premised on his contention that Robles discloses the replacing of null data packets in an MPEG stream with data frames. Neither Robles nor the other cited references discloses the replacing of null data packets, as discussed above. For at least this reason, claims 7-10 are not rendered obvious by any of the cited references, alone or in combination.

***Conclusion***

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

*Edward W. Yee*  
Edward W. Yee  
Attorney for Applicants  
Registration No. 47,294

Date: MAR-9, 2006

1100 New York Avenue, N.W.  
Washington, D.C. 20005-3934  
(202) 371-2600

463002\_1.DOC